

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



Attorney's Docket No: C1039.70083US06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/789,051  
Confirmation No.: 8295  
Filed: February 26, 2004  
For: IMMUNOMODULATORY OLIGONUCLEOTIDES  
  
Examiner: Not yet assigned  
Art Unit: 1651

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 19 day of April, 2004.

Helen C. Lockhart

Office of Initial Patent Examination's  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following document(s):

- Request for Correction of Filing Receipt;
- Copy of Filing Receipt with corrections in red ink;
- Copy of previously submitted Application Data Sheet, Postcard and Express Mail Label;
- Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

Respectfully submitted,

Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel: (617) 720-3500

Attorney Docket No.: C1039.70083US06  
Date: April 19 2004  
xNDDx



Attorney's Docket No: C1039.70083US06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/789,051  
Confirmation No.: 8295  
Filed: February 26, 2004  
For: IMMUNOMODULATORY OLIGONUCLEOTIDES

Examiner: Not yet assigned  
Art Unit: 1651

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 19 day of April, 2004.

Helen C. Lockhart

Office of Initial Patent Examination's  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

Applicants request that the following information be corrected on the Filing Receipt dated April 9, 2004:

Please correct under the heading "Domestic Priority data as claimed by applicant", the the following:

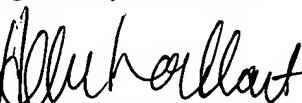
This application is a CON of 09/415,142 10/08/1999 to  
This application is a CON of 09/415,142 10/09/1999

The Filing receipt indicates that the "data provided by applicant is not consistent with PTO records". However, after reviewing the Application Data Sheet originally filed with the application (copy provided), we have determined that the correct information was provided and, that the error, in fact, is on part of the PTO.

Applicants respectfully request that the above-noted change be made, as also appearing in red on the attached Filing Receipt.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 23-2825. A duplicate of this sheet is enclosed. If you have any questions, please do not hesitate to call the undersigned at (617) 720-3500.

Respectfully submitted,

By:   
Helen C. Lockhart, Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Telephone: (617) 720-3500

Docket No.: C1039.70083US06  
Date: April 19, 2004

HCL



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/789,051	02/26/2004	1651	770	C1039.70083US06		20	1



Helen C. Lockhart, Ph.D.  
 Wolf, Greenfield & Sacks, P.C.  
 600 Atlantic Avenue  
 Boston, MA 02210

CONFIRMATION NO. 8295

## FILING RECEIPT



Date Mailed: 04/09/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Arthur M. Krieg, Wellesley, MA;  
 Dennis Klinman, Potomac, MD;  
 Alfred D. Steinberg, Potomac, MD;

Confirmation	<input type="checkbox"/>	initials
Docketing	<input checked="" type="checkbox"/>	
02/26/05(a)-afe		
05/26/05 ✓		
05/09/05 ✓		

## Assignment For Published Patent Application

University of Iowa Research Foundation, Iowa City, IA;  
 Coley Pharmaceutical Group, Inc., Wellesley, MA;  
 The USA, as represented by the Secretary, Department of Health and Human Services,  
 Bethesda, MD;

HIC

## Domestic Priority data as claimed by applicant

This application is a CON of 10/690,495 10/21/2003  
 which is a CON of 09/415,142 10/08/1999 → 10/09/1999  
 which is a DIV of 08/386,063 02/07/1995 PAT 6,194,388  
 which is a CIP of 08/276,358 07/15/1994 ABN

(\*Data provided by applicant is not consistent with PTO records.

DOCKETED
APR 15 2004

## Foreign Applications

If Required, Foreign Filing License Granted: 04/09/2004

Projected Publication Date: 07/22/2004

Non-Publication Request: No

**Early Publication Request: No**

**Title**

Immunomodulatory oligonucleotides

**Preliminary Class**

435

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Attorney Docket No. C1039.70083US06  
Express Mail Label No. EV 292460289 US  
Date of Deposit: February 26, 2004

---

### APPLICATION DATA SHEET FORM

---

#### Inventor Information

Inventor One Given Name:: Arthur M.  
Family Name:: Krieg  
Postal Address Line One:: 173 Winding River Road  
City:: Wellesley  
State or Province:: MA  
Country:: United States of America  
Postal or Zip Code:: 02482  
City of Residence:: Wellesley  
State or Province of Residence:: Massachusetts  
Country of Residence:: United States of America  
Citizenship Country:: United States of America

Inventor Two Given Name:: Dennis  
Family Name:: Klinman  
Postal Address Line One:: 2 Candlelight Court  
City:: Potomac  
State or Province:: Maryland  
Country:: United States of America  
Postal or Zip Code:: 20854  
City of Residence:: Potomac  
State or Province of Residence:: Maryland  
Country of Residence:: United States of America  
Citizenship Country:: United States of America

Inventor One Given Name:: Alfred D.  
Family Name:: Steinberg  
Postal Address Line One:: 8814 Bells Mill Road  
City:: Potomac  
State or Province:: Maryland  
Country:: United States of America  
Postal or Zip Code:: 20854  
City of Residence:: Potomac  
State or Province of Residence:: Maryland  
Country of Residence:: United States of America  
Citizenship Country:: United States of America

---

---

**Correspondence Information**

---

Name Line One:: Helen C. Lockhart, Ph.D.  
Name Line Two:: Wolf, Greenfield & Sacks, P.C.  
Address Line One: 600 Atlantic Avenue  
City:: Boston  
State or Province:: MA  
Country:: U.S.A.  
Postal or Zip Code:: 02210  
Telephone One:: (617) 720-3500  
Telephone Two:: (617) 573-7859  
Fax Number:: (617) 720-2441  
Electronic Mail:: hlockhart@wolfgreenfield.com

**Application Information**

Title Line One:: IMMUNOMODULATORY  
Title Line Two:: OLIGONUCLEOTIDES  
Claims:: 20  
Application Type:: Utility  
Docket Number:: C1039.70083US06

Licensed US Govt. Agency:: National Institute of Health  
Contract or Grant Numbers One:: R29-AR42556-01

**Representative Information**

**Representative Customer Number::** 23628

---

**Continuity Information**

This application is a continuation of:

>Application One:: 10/690,495  
Filing Date:: October 21, 2003

which is a continuation of::

>Application Two:: 09/415,142  
Filing Date:: October 9, 1999

which is a divisional of::

>>Application Three:: 08/386,063  
Filing Date:: February 7, 1995  
Patent Number:: 6,194,388 B1

which claims priority to a continuation-in-part:

>>Application Four:: 08/276,358  
Filing Date:: July 15, 1994

which is abandoned.

**Assignee Information:**

Assignee name:: University of Iowa Research Foundation  
Street of mailing address:: 214 Technology Innovation Center, Oakdale  
Research Campus  
City of mailing address:: Iowa City  
State or Province of mailing address:: Iowa  
Postal or Zip Code of mailing address:: 52242

Assignee name:: Coley Pharmacuetical Group, Inc.  
Street of mailing address:: 93 Worcester Street, Suite 101  
City of mailing address:: Wellesley  
State or Province of mailing address:: MA  
Postal or Zip Code of mailing address:: 02481

Assignee name:: The United States of America, as represented  
by the Secretary, Department of Health and  
Human Services  
Street of mailing address:: FDA/CBER  
Building 29A, 3D10  
City of mailing address:: Bethesda  
State or Province of mailing address:: MD  
Postal or Zip Code of mailing address:: 20892

FILE

Wolf, Greenfield & Sacks, P.C.  
 ITEM Account  
 600 Atlantic Avenue  
 Boston, MA 02210



CITIZENS BANK  
 MASSACHUSETTS

5-7017/2110

CHECKING

440018683

Y Nine Hundred Thirty AND 00/100 DOLLARS

DATE	AMOUNT
February 26, 2004	\$ 930.00

THE Commissioner of Patents & Trademarks  
 ORDER

C1039.70083 US06

*Lorraine O.O'Brien*  
 AUTHORIZED SIGNATURE

"0018683" : 2110701750 : 1108202451"



Serial No TBD File No C1039.70083 US06 By: HCL:TMF  
 Title: IMMUNOMODULATORY OLIGONUCLEOTIDES  
 Application of KRIEG ET AL. WGS Date: \_\_\_\_\_

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)<br>Express Mail Label No. <u>E1292460289</u>  | <input type="checkbox"/> Provisional Application Cover Sheet<br>Multiple Dependent Claim Fee Sheet<br>Inf. Discl. Statement, PTO Form 1449                    |
| <input checked="" type="checkbox"/> Patent Application<br><input checked="" type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional<br>Incl. <u>12</u> pages, ( <u>19</u> pgs) Specification<br>( <u>1</u> pgs) Abstract, ( <u>3</u> pgs) Claims ( <u>36</u> # claims) | <input type="checkbox"/> References Cited<br><input type="checkbox"/> Priority Document(s) #<br><input type="checkbox"/> Copy of Notice to File Missing Parts |
| <input type="checkbox"/> Design Patent Application  | <input checked="" type="checkbox"/> Amendment/Response <u>PRELIMINARY</u><br><input type="checkbox"/> Petition for Ext. of Time (x2)                          |
| <input checked="" type="checkbox"/> Declaration(s) <u>PREVIOUSLY FILED</u>  | <input type="checkbox"/> Issue Fee Transmittal  |
| <input type="checkbox"/> Drawings <u>Sheet(s) (FIGS. _____)</u><br><input type="checkbox"/> Formal <input type="checkbox"/> Informal  | <input type="checkbox"/> Assignment and Coversheet  |
| <input checked="" type="checkbox"/> Utility Patent Application Transmittal<br>Fee calculation sheet (x2)  | <input type="checkbox"/> Notice of Appeal   |
| <input checked="" type="checkbox"/> CPA Transmittal   | <input type="checkbox"/> Brief (x3)   |
| <input type="checkbox"/> Verified Statement claiming small entity status  | <input checked="" type="checkbox"/> Check for \$ <u>930</u> Check # <u>13683</u>  |
| <input type="checkbox"/> Request for Approval and Entry of Formal Drawings  | <input type="checkbox"/> Transmittal Letter (x2)  |
| <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)   |   |

Other APPLICATION DATA SHEET, SEQUENCE LISTING, Paper & CRF,  
 STATEMENT UNDER 37 CFR 1.821(E)

DATE MAILED FEBRUARY 26, 2004



EV 292460289 US



**Mailing Label**  
Label 11-F June 2002

**Post Office To Addressee**

<b>ORIGIN (POSTAL USE ONLY)</b>			
PO ZIP Code	Day of Delivery	Flat Rate Envelope	
	<input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>		
Date In	Postage		
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$	
Time In	Military		
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	
Weight lbs.      ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$	

<b>DELIVERY (POSTAL USE ONLY)</b>			
Delivery Attempt	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Attempt	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		
Delivery Date	Time	Employee Signature	
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM		

WAIVER OF SIGNATURE (Domestic Only) Additional merchantable insurance is available. Waiver of signature is requested if I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee refuses to accept my signature at delivery location, my authorization that delivery employee may ignore constitutes my proper delivery instruction. Signature is required for delivery to a post office box.

**NO DELIVERY**  **WIRELESS**  **INTERNET**  **MAIL**  **Customer Signature**

**CUSTOMER USE ONLY**  
METHOD OF PAYMENT:  
Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE ( )  
**MULF GREENFIELD & SACKS**  
**FEDERAL RESERVE PLAZA**  
**600 ATLANTIC AVE.**  
**BOSTON MA 02210-2206**

C1039.70083US06  
HCL:tmf  
L

TO: (PLEASE PRINT) PHONE ( )  
**COMMISSIONER FOR PATENTS**  
**PO BOX 1450**  
**ALEXANDRIA VA 22313-1450**

Mail Stop Patent Application

PRESS HARD.  
You are making 3-copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

D2  
E24

214